

Applicant: Dinh, et al.  
Application No: 10/603,210  
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### **REMARKS/ARGUMENTS**

The specification has been amended. Claims 1-5 and 29-35 are pending in the above-identified application. Claim 1 has been amended. Claims 31-35 have been newly added. No new matter has been added in the amendments to the specification and claims. Reconsideration of and favorable action on the subject application are respectfully requested.

The objection to the drawings under 37 C.F.R. §1.83(a) is deemed obviated in view of the amended claim 1.

The objection to the specification as failing to provide proper antecedent basis for the claimed subject matter is deemed obviated in viewing the amended claim 1.

### **Response to Section 112 Rejection**

Claims 1-5 and 29-30 are rejected under 35 U.S.C. §112, first and second paragraph. Applicants respectfully traverses these rejections. Throughout the specification the invention is disclosed as a floor box without the use of gaskets, being gasketless. It is understood that gasketless, the use of no gaskets, applies to all aspects of the invention, including the door. Additionally, the specification discloses a dividing wall which divides the box into two sections, a receptacle portion and a drainage portion. The receptacle portion remains dry at all times and the drainage portion accepts water therein. It is understood that the dividing wall must be a water resistant barrier to prevent water from entering into the receptacle portion in order to maintain the receptacle portion dry.

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However, to further prosecution, the applicants have amended claim 1 to be directed to “a gasketless water resistant electrical floor box” including “a means for tracking water into said drainage interior portion while preventing water from tracking into said receptacle interior portion”, support of which is found in the specification on page 2, lines 16-24; page 4, lines 18-20; page 6, lines 10-13; page 7, lines 2-16; and page 9, line 9 - page 10 line 6. The amendments are non-limiting and further define the invention. In view of amended claim 1 the rejections are deemed obviated.

#### **Response to Section 103(a) Rejection**

Claims 1 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Riedy et al. (U.S. Patent No. 6,265,662) in view of Yetter (U.S. Patent No. 5,486,650) and Feldman et al. (U.S. Patent No. 4,654,470). The Examiner contends that Riedy discloses a box, a floor plate supported and extending around the box, a cover attached to the floor plate and a door in the cover. The Examiner acknowledges that Riedy fails to disclose the box including a dividing wall supported therein which divides the interior of the box into a receptacle interior portion and a drainage interior portion. Nevertheless, the Examiner contends Yetter discloses an electrical box with a partition to divide the interior of the box into two sections. The Examiner contends Feldman teaches a gasketless junction box. The Examiner then concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the box assembly of Riedy by adding a dividing wall for the purpose of forming separate interior

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compartments as taught by Yetter and a gasketless seal as taught by Feldman. These rejections are respectfully traversed.

Claim 1 has been amended to further define the present invention. The invention is a gasketless water resistant electric floor box which includes a box designed to be water resistant. The dividing wall which divides the interior of the box into a receptacle interior portion and a drainage interior portion. The box further includes a means for tracking water into the drainage interior portion while preventing water from tracking into the receptacle interior portion. Therefore, water may flow into the drainage interior portion and not into the receptacle interior portion housing the receptacles and jacks. Thus, the receptacle interior portion remains dry.

(page 2, line 17, 18; page 6, line 11-13; page 7, line 4-7; page 9, line 9-page 10, line 6)

Riedy does not teach, suggest or disclose a gasketless water resistant box of the present invention. As the Examiner acknowledged, Riedy teaches a floor box with no dividing wall and/or separate interior portions as in the present invention.

Yetter fails to disclose a floor box, instead Yetter discloses a wall mounted electrical box with removable dividing member with cut-outs (indentations) 25, 26 and 27 to provide clearance between the dividing member 17 and base member 14 (col. 3, line 63-col. 4, line 3, Figures 8 and 9). Further, Yetter discloses rectangular protrusion 92 which offset the partition allowing for fluid exchange across the partition(col.6, line 62-67, Figures 4 and 5). Yetter fails to teach or suggest the provision of any water protection to the components accommodated therein. Specifically, Yetter fails to discuss water at all. Yetter fails to teach or suggest entry of water within the box, or even a separate chamber or means for water collection and removal therein.

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Yetter fails to teach or suggest gasketless, water resistant, floor box, or a means for tracking water into one portion of the dividing wall while preventing water from tracking into the other.

Feldman discloses a raintight junction box. Feldman teaches away from channeling water into any portion of the box unlike the present invention.

It would not have been obvious to combine Yetter's use of a removable dividing member, Feldman's raintight junction box with Riedy to provide a gasketless water resistance electrical floor box with a divider in the box to provide a drainage interior portion and a receptacle interior portion, means for tracking water into said drainage interior portion while preventing water from tracking into said receptacle interior parts, as claimed.

Furthermore, even if, *arguendo*, they are combined, in order to arrive at the present invention it would be necessary to modify either or combined references such that their intent and purpose could be destroyed. For example, in Yetter, the removable partitions with indentations are necessary to provide clearance between the dividing members and the contour of the base member. To remove the indentations and to further provide a barrier capable of allowing water to enter one portion without tracking into the other portion would clearly destroy Yetter's intent of removable partitions with indentations. Additionally, the gross modification would render Yetter inoperable for its intended purpose. Further, to modify Feldman to allow for tracking of water into the box is clearly opposite of Feldman's intent of preventing any water from entering the box at all. Thus, the Examiner's rejection based on the combination of Riedy, Yetter and Feldman amounts to hindsight reconstruction and therefore, runs afoul of the patent law. Therefore, withdrawal of the rejection is respectfully requested.

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Riedy, Yetter and Feldman, either alone or in combination fail to disclose, teach or suggest an electrical floor box set forth in claim 1, and dependent claims 2-5, and 29-35 which contain the same limitations as claim 1. Therefore, the application is believed to be in condition for allowance.

Claims 2-5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Riedy in view of Yetter and Feldman as applied to claim 1 above, and further in view of Fabian et al. (U.S. Patent No. 5,594,207). The Examiner contends Fabian discloses a divider plate with knockouts. Fabian fails to overcome the deficiencies of Riedy, Yetter and Feldman individually or in combination thereof. Claim 2-5 depend from claim 1 and includes all the limitations therefrom. Therefore, the combination of Riedy, Yetter, Feldman and Fabian fails to disclose, teach or suggest the box set forth in claims 2-5, as above-discussed.

Claim 29 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Riedy in view of Yetter, and Feldman et al. as applied to claim 1 above, and further in view of Rogers et al. (U.S. Patent No. 5,837,936). Claim 29 depends from claim 1 and includes all the limitations therefrom. The Examiner contends Rogers discloses an electrical box made of metal. Roger's fails to overcome the deficiencies of the above references. Therefore, the combination of Riedy, Yetter, Feldman and Rogers fails to disclose, teach or suggest the box set forth in claim 29, as above-discussed.

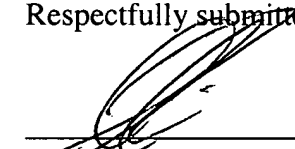
Dependent claim 31-35 have been added herein to more fully define the invention.

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Having responded in full to the outstanding Office Action, it is respectfully submitted that the application, including claims 1-5 and 29-35, is in condition for allowance. A Notice of Allowance is earnestly sought.

Should the Examiner have any questions regarding this submission, the Examiner is respectfully invited to contact undersigned counsel at the telephone number identified below.

Respectfully submitted,

  
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